



Town of Dumfries
Council Meeting

Meeting Date:

August 20, 2013

Agenda Item#

IX - C

AGENDA ITEM FORM

TYPE OF AGENDA ITEM:

- ☐ CONSENT AGENDA
☐ PRESENTATION
☐ ACTION ITEM
☐ TOWN MANAGER & STAFF COMMENTS
☐ PUBLIC HEARING
☐ Duly Advertised

PURPOSE OF ITEM:

- ☐ INFORMATION ONLY
☒ DISCUSSION ONLY
☐ DISCUSSION AND/OR DECISION
☐ Introduction ☐ Resolution
☐ Ordinance ☐ Grant/MOU
☐ By Motion ☐ Bylaws
☐ Certificate

PRESENTER: Laura O'Dell

PRESENTER TITLE: Planner/Zoning Administrator

AGENDA ITEM:

Discussion on Adoption of Virginia Maintenance Code

BACKGROUND / SUMMARY:

The Virginia Maintenance Code (VMC) is a supplemental chapter under the Uniform Statewide Building Code (USBC) and not required by state code. The Town has adopted the USBC, but the VMC has not been adopted. The VMC sets minimum standards of maintenance for the interior and exterior of structures. The VMC is a vital to preserving the health, safety, and welfare of residents and the buildings they occupy in Town. Town Staff regularly receive complaints about buildings in Town. We currently do not have any means to require property owners to maintain these structures. The Blight Code only applies to structures that have been vacated for a period of over one year, therefore if a property is occupied there is very little that the Town can enforce to correct properties that need repair. The VMC sets a minimum standard for health and safety at the least possible cost to the property owner, thus preventing the development of a blighted property.

ATTACHMENTS:

Proposed Ordinance
PowerPoint Presentation

REQUESTED ACTION:

☐ NO ACTION REQUESTED

Council review the VMC and proposed ordinance and comment on the potential adoption of the VMC into the Town Code under Article IV of Chapter 14 Buildings and Building Regulations

FOR MORE INFORMATION, CONTACT:

Phone#:

Name:

E-mail:

FOR USE DURING MEETING

VOTE:

☐ PASSED

☐ NOT PASSED

Y	N		Y	N		Y	N	
<input type="checkbox"/>	<input type="checkbox"/>	Brewer	<input type="checkbox"/>	<input type="checkbox"/>	Foreman	<input type="checkbox"/>	<input type="checkbox"/>	Forrester
<input type="checkbox"/>	<input type="checkbox"/>	Reynolds	<input type="checkbox"/>	<input type="checkbox"/>	Toney	<input type="checkbox"/>	<input type="checkbox"/>	Washington
<input type="checkbox"/>	<input type="checkbox"/>	Wood						

Proposed Code Amendment

Chapter 14 Buildings and Building Regulations Article IV Virginia Maintenance Code

Sect. 14-174 Code Official

The Zoning Administrator shall be appointed to Code Official or any Town official with requirements as set forth by the State of Virginia by having achieved Advance Official certification by the VA Department of Housing and Community Development.

Sect. 14-175 Adoption

The Maintenance Code provisions, Part III of the Virginia Uniform Statewide Building Code and amendments thereto, as adopted by reference and promulgated by the State Board of Housing and Community Development, are hereby adopted by reference as the official Property Maintenance Code of the Town of Dumfries (the "Maintenance Code"). A copy of the Maintenance Code will be available for review at the Town office.

The Maintenance Code shall be the standard of maintenance, rehabilitation, development, and reuse of existing buildings and structures, and their associated equipment, whether occupied or vacant, after completion of construction, or where not otherwise regulated by the building code.

Sect. 14-175 Enforcement

Inspections and enforcement shall be conducted by the Code Official and/or Technical Assistant. The Code Official shall be responsible for assuring that all powers are carried out in accordance with the provisions of the Maintenance Code.

Interior inspections shall not be conducted unless invited into the dwelling by the occupant, or unless authorized by the court. Interior inspections will be used only to ensure adequate living standards are provided to the tenant from the landlord; however, life safety concerns will prevail in all circumstances.

Sect. 14-176 Landlord Tenant Disputes

All tenants reporting property maintenance complaints must first show proof that they have contacted the owner and allowed a reasonable amount of time for repairs to be made. If legal proceedings have begun between the tenant and landlord the Town will not become involved.

Sect. 14-177 Penalties

Whoever violates any provisions of this Chapter, by doing a prohibited act, or failing to perform a required act, or failing to perform permitted acts in the prescribed manner shall be subject to the penalties as specified in the USBC.

A. Criminal

Unless designated otherwise in this Article, violations of this Chapter are misdemeanors and, upon conviction, may be punished by a fine of not more than that amount authorized for violations of the USBC by Code of Virginia, Sect. 106 of Chapter 36; additionally if the violation remains uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in good order to comply with the Code. Except as otherwise provided by the court for good cause shown, any such violator shall abate or remedy the violation within six months of the date of conviction. Each day during which the violation continues after the court ordered abatement period has ended shall constitute a separate offense.

VA Property Maintenance Code

Purpose
Common Code Violations
Process

Purpose Sect. 102.1

- Provide building regulations that facilitate the maintenance, rehabilitation, development and reuse of existing buildings at the least possible cost to ensure the protection of the public health, safety and welfare. To establish minimum standards of maintenance and care.

Why Enforce?

- Prevent Blight (blight vs. vacant)
- Preserve existing buildings and structures
- Maintain property values
- Provide a minimum level of health and safety for all

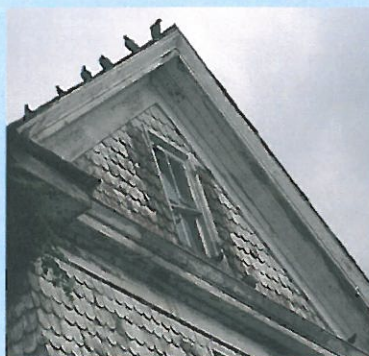
Common Violations Exterior Areas

- Vacant and Open Structures
- Rodent harborage



Common Violations Exterior Areas

- Vacant and Open Structures
- Rodent harborage



Common Violations Exterior Areas

- Sidewalks and driveways
- Swimming pools



Exterior Structure Violations

- Protective Treatment
- Gutters and Downspouts
- Roofs and drainage



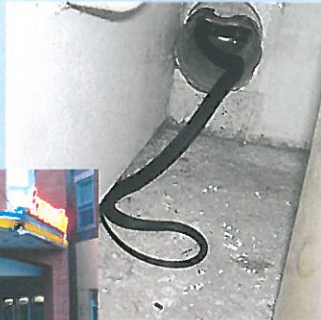
Exterior Structure Violations

- Protective Treatment



Exterior Structure Violations

- Overhang extensions – marquees signs, fire escapes, exhaust ducts, canopies



Exterior Structure Violations

- Overhang extensions – marquees signs, fire escapes, exhaust ducts, canopies



Exterior Structure Violations

- Stairways, Porches and Balconies, handrails, guards



Exterior Structure Violations

- Decks and Porches



Exterior Structure Violations

➤ Accessory Structures



Exterior Structure Violations

➤ Window, Glazing, and Door Frames



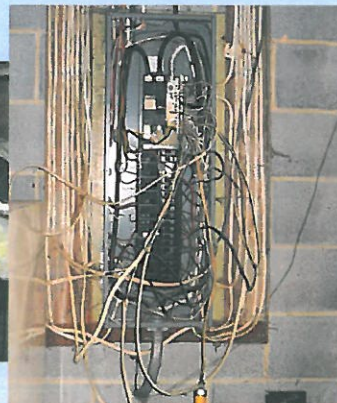
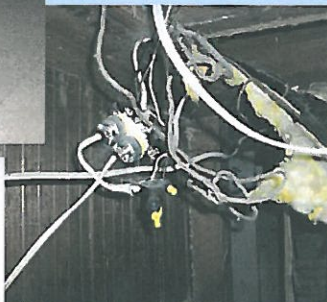
Exterior Structure Violations

➤ Chimneys



Interior Structure Violations

➤ Electrical Hazards





Interior Structure Violations

➤Occupancy - habitable spaces



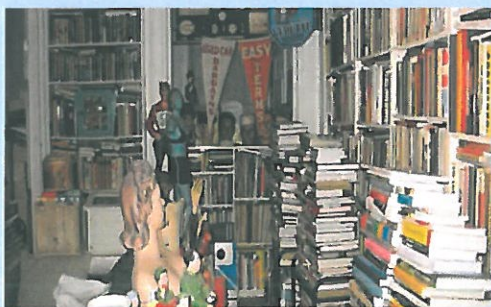
Interior Structure Violations

- Hoarding - Interior Surfaces, Fire Prevention, Cooking



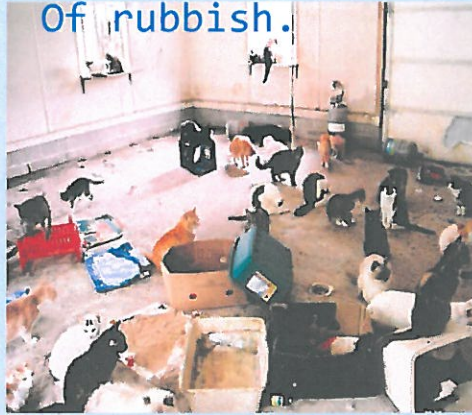
Interior Structure Violations

- Hoarding - Interior Surfaces, Fire Code (window coverage)

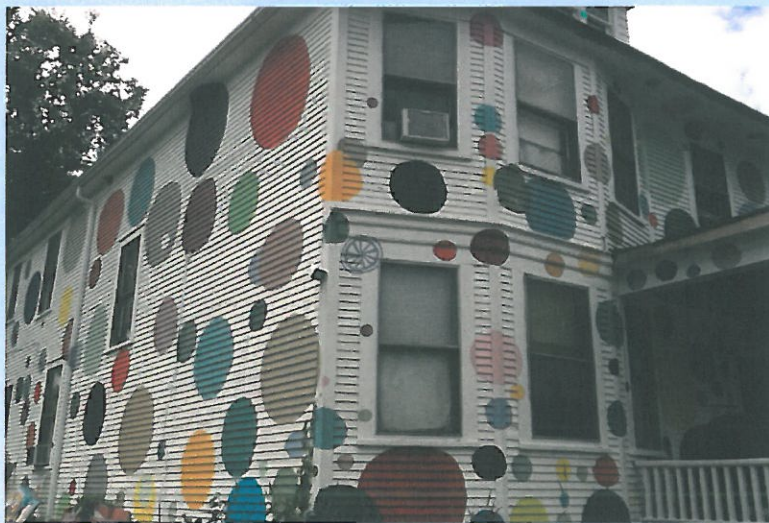


Interior Structure Violations

- Hoarding - Interior Surfaces, Fire Code accumulation Of rubbish.



Beauty is in the eye of the beholder



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Process

Complaint Filed

Inspection Performed

If it is determined that there are code violations then a Notice of Correction will be issued.

If compliance is not achieved within a given amount of time then court and civil penalties may be pursued.

Process Landlord/tenant

Tenant must provide evidence that landlord has been made aware of the problem and that landlord was given adequate time to make repairs.

Tenant must submit written statement that they are in good standings with landlord and that a civil dispute has not begun between the two parties.

Town will not become involved if legal proceedings have begun.

Complaint Filed

Inspection Performed

If it is determined that there are code violations then a Notice of Correction will be issued.

If compliance is not achieved within a given amount of time then court and civil penalties may be pursued.

Adaptation to Dumfries

Typical: Jurisdiction allows 30 days for property owner to make repairs. Once 30 day notice expires the property owner will be fined \$150 per code violation every 10 days until repairs are made.

Dumfries: XX days to make repairs, once notice expires owner will be fined \$XX per code violation every XX days until repairs are made.